UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,376	02/26/2004	Daniel John Devine	Devine 2-2	4422

47386 7590 02/17/2010

RYAN, MASON & LEWIS, LLP
1300 POST ROAD
SUITE 205
FAIRFIELD, CT 06824

EXAMINER	
VIDWAN, JASJIT S	
ART UNIT	**PAPER NUMBER**
2182	
MAIL DATE	**DELIVERY MODE**
02/17/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/787,376	DEVINE, DANIEL JOHN	
	Examiner	Art Unit	
	JASJIT S. VIDWAN	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 November 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4,5,10,11,17 and 18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4,5,10,11,17 and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/30/2009 have been fully considered but they are not persuasive. Applicant argues that prior art of record fails to teach a processor configured to perform at least one function for said peripheral device in addition to said one or more communication functions.

2.

3. With respect to above argument, **Examiner disagrees**. Applicant argues against Examiner's assertion that the peripheral processor would not be inherently configured to perform at least one function for said peripheral in some capacity. Though Examiner concedes that on surface Sartore does not explicitly disclose the functionalities the processor (72) is configured to perform for the peripheral device since Sartore is primarily focused on the disclosure with respect to reconfiguring of the peripheral device, it would be hard to argue by any one of ordinary skill in the art that processors for a peripheral devices would not be configured to perform at least one function for said peripheral device. Withstanding Adam's reference that teaches the cited inherent disclosure of Sartore's peripheral processor providing processing capacity for use by said peripheral device, it is widely accepted that unless specifically stated that the processor of the host computer relieves the peripheral processor of processing capacity, one can confidently assume that the cited processor of peripheral devices are configured to perform functions for the peripheral devices. However, Examiner respectfully submits that despite the assumption of inherency provided in the rejection, the arts as combined fully cure any deficiency and thus disclose the claimed invention in its entirety.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 4-5, 10-11, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sartore et al, U.S. Patent No: 6,493,770 **[hereinafter Sartore]** and further in view of Adams et al, U.S. Patent No: 5,987,568 **[hereinafter Adams]**.

1. **As per Claim 5, 11 and 18**, Sartore teaches an integrated controller for use in a peripheral device for controlling high speed communications **[see Fig. 2, element 71, "USB Interface"]** between a host computer **[See Fig. 2, element 52]** and at least one peripheral device **[see Fig. 2, element 54]**, comprising a processor **[see Fig. 2, element 72 – "CPU"]** integrated with said controller for controlling communications on a bus using one or more communications functions **[see Col. 5, Lines 18-23]**, wherein said processor performs at least one function for said peripheral device in addition to said one or more communication functions **[see Col. 5, Lines 25-35]**,

2. Sartore teaches the above limitations in addition to further teaching only one controller / processor **(72)** to control both the USB interface and the peripheral device. Although it would be clearly inherent that the said CPU controls at least one function for said peripheral device (if not all), Sartore does not provide details on functions of the said peripheral. Adam's teaches the limitation of a single processor in a peripheral performing and controlling functions of the said peripheral device **[see Col. 4, Lines 31-45]**

3. It would be obvious to one of ordinary skill in the art to combine the teachings in order to take advantage of ensuring the peripheral functions properly as designed in addition to communicate with the host effectively. It is for this reason that one of ordinary skill in the art would have been motivated to combine the two teachings.

4.

5. **As per Claim 4, 10 & 17**, Sartore as modified by Adam's above teaches a controller wherein said at least one peripheral device employs said processor to perform each of said functions of said at least one peripheral device **[see Adam's Col. 7, Lines 46-60]**.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASJIT S. VIDWAN whose telephone number is (571)272-7936. The examiner can normally be reached on 8am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571.272.6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S. V./
Examiner, Art Unit 2182

/Tariq Hafiz/
Supervisory Patent Examiner, Art Unit 2182